

**PSJ14 Janssen Opp Exh 33 – Burns Dep (dep not cited in
appendices)**

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF OHIO
3 EASTERN DIVISION
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6 IN RE: NATIONAL : HON. DAN A.
7 PRESCRIPTION OPIATE : POLSTER
8 LITIGATION :
9 : :
10 APPLIES TO ALL CASES : NO.
11 : 1:17-MD-2804
12 : :
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14 - HIGHLY CONFIDENTIAL -
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16 SUBJECT TO FURTHER CONFIDENTIALITY REVIEW
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18 - - -
19 November 29, 2018
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22 Videotaped deposition of
23 KANITHA BURNS, taken pursuant to notice,
24 was held at the Topnotch Resort, 4000
14 Mountain Resort, Stowe, Vermont,
15 beginning at 9:21 a.m., on the above
16 date, before Michelle L. Gray, a
17 Registered Professional Reporter,
18 Certified Shorthand Reporter, Certified
19 Realtime Reporter, and Notary Public.
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22 GOLKOW LITIGATION SERVICES
23 877.370.3377 ph | 917.591.5672 fax
24 deps@golkow.com

1 Nucynta ER had a better GI profile than
2 other long-acting opioids, were you able
3 to say that to doctors?

4 A. No, we were not able to say
5 that.

6 Q. And why not?

7 A. We're not able to make
8 comparative statements because there's no
9 data, head-to-head, comparing Nucynta ER
10 with anything else. And also the GI side
11 effect profile was one of the side
12 effects and we can't just tease out one
13 particular item to highlight. We had to
14 present all of the side effects in -- in
15 its totality together.

16 Q. And you mentioned that one
17 of the attributes of Nucynta ER was its
18 tamper-resistance characteristics. What
19 can you tell us about what that meant?
20 How was it that Nucynta ER was tamper
21 resistant?

22 A. Nucynta ER was designed to
23 not be crushed or dissolved and so that
24 makes it, you know, resistant to being

1 amended.

2 Q. And were you allowed to
3 highlight that characteristic, that
4 tamper-resistant characteristic of the
5 product, in marketing materials?

6 A. No, we were not.

7 Q. And why not?

8 A. We were only allowed to
9 promote or educate around attributes that
10 are in the package insert and tamper
11 resistance is not in the package insert.

12 Q. You've testified about your
13 role in developing marketing materials
14 for prescribers. Can you briefly
15 describe that process, how you go about
16 the process of creating marketing
17 materials for prescribers?

18 A. Sure. We start first with
19 gathering insight about the marketplace,
20 about the prescriber, because we need to
21 learn from them what's important to them.
22 What are attributes that are important to
23 them when they are selecting, you know,
24 an opioid. What are sort of their